

Kansas Department of Health and Environment  
Proposed New Regulations

Article 15a. Primary Drinking Water Regulations

GENERAL

28-15a-2. Definitions; replaced terms. (a) For the purposes of articles 15 and 15a, the definitions contained in 40 CFR 141.2, as in effect on July 1, 2003, are hereby adopted by reference with the following alterations:

(1)(A) The definition of “Public water system” shall be replaced with the following: “‘Public water supply system’ means a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if the system has at least 10 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. This term shall include the following:

“(1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system and used primarily in connection with the system; and

“(2) any collection or pretreatment storage facilities not under this control that are used primarily in connection with the system.

“This term shall not include any ‘special irrigation district.’

“Each public water supply system shall be deemed either a ‘community water supply system’ or a ‘non-community water supply system.’”

(B) The term “public water supply system” shall replace the term “public water system” wherever the latter term appears in any of the text adopted in this article.

(2) The definition of “Community water system” shall be replaced with the following: “‘Community water supply system’ means a public water supply system which has at least 10 service connections used by year-round residents or regularly serves at least 25 year-round residents.”

The term “community water supply system” shall replace the term “community water system” wherever the latter term appears in any of the text adopted in this article.

(3) The definition of “Person” shall be replaced by the following: “‘Person’ means an individual, corporation, company, institution, association, partnership, township, municipality, county, state, or federal agency that owns, administers, operates, or maintains a public water supply system.”

(4) The following definitions shall be added to 40 CFR 141.2:

(A) “Administrator” means administrator of the environmental protection agency.

(B) “Approved laboratory” means a laboratory certified and approved by the department to analyze water samples to determine compliance with maximum contaminant levels or to perform other required analyses.

(C) “Department” and “primacy agency” mean the Kansas department of health and environment.

(D) “Distribution system” means the system of conduits and appurtenances by which a water supply is distributed to customers.

(E) “Laboratory tests” means all bacteriological, chemical, physical, or radiological tests made by either the departmental laboratory or an approved laboratory on water samples that were submitted by the operator of a public water supply system to confirm the quality of water.

(F) “Operating records and reports” means the daily record and the monthly report of data connected with the operation of the public water supply system’s facilities.

(G) “Secretary” and “state” mean the secretary of the Kansas department of health and environment.

(H) “Significant deficiency” means any defect in a public water supply system’s design, operation, maintenance, or administration, as well as any failure or malfunction of any system component that causes, or has the potential to cause, an unacceptable risk to health or that could affect the reliable delivery of safe drinking water.

(I) “Turbidity” means the cloudy condition of water caused by the presence of finely suspended matter, including clay, silt, plankton, and microscopic organisms, resulting in the scattering and absorption of light rays. Turbidity is measured in nephelometric turbidity units (NTU).

(b) For the purposes of this article, the following terms and phrases appearing in the federal regulations adopted by reference in these regulations shall be defined or replaced as specified in this subsection:

(1) “SDWA” means the safe drinking water act, 42 U.S.C.S. § 300f et seq., formerly Pub. L. 104-182 et seq., and amendments thereto.

(2) “This part” and “part” shall be replaced by “this article” and “article.”

(3) “This subpart” and “subpart” mean that specific, named group of primary drinking water regulations in which the regulation is placed within this article.

(4) “Must” shall be replaced by “shall.” (Authorized by and implementing K.S.A. 65-171m; effective P-\_\_\_\_\_.)

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28-15a-3. Coverage; conditions for exclusion. The provisions of 40 CFR 141.3, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective P-\_\_\_\_\_.)

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28-15a-4. Variances and exemptions for small systems. Variances or exemptions from certain provisions of these regulations may be granted by the secretary pursuant to 40 CFR Part 142, subpart K, sections 301 through 307, as in effect on July 1, 2003, and hereby adopted by reference.

(Authorized by and implementing K.S.A. 65-171m; effective P-\_\_\_\_\_.)

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28-15a-6. Effective dates. (a) The provisions of 40 CFR 141.6(j), as in effect on July 1, 2003, are hereby adopted by reference.

(b) The following text shall be added: “All internal requirements regarding effective dates which have passed, completion dates which have passed, or beginning compliance dates which have passed within a C.F.R. that is adopted by reference shall be replaced with the date these regulations become effective.” (Authorized by and implementing K.S.A. 65-171m; effective P- \_\_\_\_\_.)